



Amend 5/#12  
1.9.03

S/N 09/837,602

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John H.J. Petrini et al.

Examiner: Natalie A. Davis

Serial No.: 09/837,602

Group Art Unit: 1642

Filed: April 18, 2001

Docket: 800.019US2

Title: DNA ENCODING A DNA REPAIR PROTEIN

**RECEIVED**

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

DEC 12 2002

Commissioner for Patents

Washington, D.C. 20231

TECH CENTER 1600/2900

Applicant has reviewed the Office Action mailed on September 27, 2002. Please amend the above-identified patent application as follows.

In the Claims

Please substitute the claim set in the appendix entitled "Clean Version of Pending Claims" for the previously pending claim set. The specific amendments to individual claims are detailed in the following marked-up set of claims.

Please cancel claim 3 without prejudice.

Please amend the claims as follows:

1. (Twice amended) An isolated and purified nucleic acid molecule [comprising a nucleic acid segment] encoding a vertebrate DNA repair polypeptide having SEQ ID NO:2, or a biologically active fragment thereof, wherein the polypeptide has a molecular weight of about 95000 Da as determined by SDS-PAGE.
2. (Amended) The nucleic acid molecule of claim 1 [wherein the nucleic acid segment comprises] which has SEQ ID NO:1.
4. (Amended) An isolated and purified DNA molecule [comprising] consisting of SEQ ID NO:1, or a DNA molecule complementary thereto.
20. (Amended) [The] An isolated nucleic acid molecule [of claim 1 further] comprising a promoter operably linked to a nucleic acid segment encoding SEQ ID NO:2.

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01 FC:2201 84.00 CH  
02 FC:2203 140.00 CH